

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
116-37 (COR)	Therese M. Terlaje	AN ACT TO AMEND § 61304(b)(7) AND § 61310 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED AND TO ADD A NEW §10104(d)(8) AND §10104(d)(9) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO STRENGTHENING AND HARMONIZING GOVERNMENT AGENCY ENFORCEMENT CAPABILITIES AND ENSURING BEST MINING OR QUARRYING PRACTICES.	5/11/23 2:43 p.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 116-37 (COR)

Introduced by:

Therese M. Terlaje 

**AN ACT TO AMEND § 61304(b)(7) AND § 61310 OF
CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED
AND TO ADD A NEW §10104(d)(8) AND §10104(d)(9) OF
CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE
RULES AND REGULATIONS RELATIVE TO
STRENGTHENING AND HARMONIZING
GOVERNMENT AGENCY ENFORCEMENT
CAPABILITIES AND ENSURING BEST MINING OR
QUARRYING PRACTICES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that as the demand for aggregate goes up, so too, does the value of that aggregate
and the pressure on government agencies to approve permitting for the removal of
this aggregate from Guam's limited land resources.

I Liheslaturan Guåhan further finds that Guam's laws and rules and
regulations need strengthening to close regulatory gaps for quarrying and other
functions under erosion and sediment controls to mitigate potential environmental
impacts associated with aggregate extraction, including conversion of land use,
changes to the landscape, loss of habitat, dust blasting effects, erosion and
sedimentation.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to strengthen efforts to
2 protect the health and safety of those in the surrounding areas of quarries, and
3 especially Guam’s aquifer, by strengthening and harmonizing government
4 enforcement capabilities and ensuring best mining practices by private industry.

5 **Section 1.** § 61304(b)(7) of Chapter 61, Title 21, Guam Code Annotated is
6 hereby *amended* to read:

7 “(7) Biological ~~E~~extractive industry.”

8 **Section 2.** § 61310 of Chapter 61, Title 21, Guam Code Annotated is hereby
9 *amended* to read:

10 “§ 61310. M2 Heavy Industrial Zone.

11 (a) Use Permitted.

12 (1) Any uses permitted in the M1 zone, excepting residential use.

13 (2) Junk Yards. Under the special provisions set forth in Subarticle 6,
14 Article 5 of this Chapter.

15 (3) Any other uses not specifically prohibited by law, including those
16 which are or may be objection-able, obnoxious, or offensive by reason of
17 odor, dust, smoke, noise, gas fumes, cinders, vibration, or water-carried
18 waste.

19 (4) Uses customarily accessory to any of the uses herein permitted,
20 and accessory buildings and structures.

21 (b) Conditional use.

22 (1) all residential uses.

23 (2) Accessory uses and structures for the above.

24 (3) Mining or Quarrying

25 **Section 3.** A new §10104(d)(8) is hereby *added* to Chapter 10, Title 22, Guam
26 Administrative Rules and Regulations to read:

1 “(8) The area of land to be cleared, graded, grubbed, filled, excavated,
2 embanked or used for stockpiling may not exceed five (5) acres, except that the
3 Administrator may increase this maximum to a size larger than five (5) acres if the
4 adopted conservation standards can be maintained, or the Administrator may reduce
5 the maximum to a size below five (5) acres if the Administrator determines that the
6 conservation standards will not be met. Additional area shall not be opened for
7 clearing, grading, grubbing, filling, excavating, embanking, or stockpiling until
8 measures to prevent dust or erosion problems in the area already cleared, graded,
9 grubbed, filled, excavated, embanked or used for stockpiling have been satisfactorily
10 completed.”

11 **Section 4.** A new §10104(d)(9) is hereby *added* to Chapter 10, Title 22, Guam
12 Administrative Rules and Regulations to read:

13 “(9) Mining or quarrying shall require a special permit and be regulated
14 by the Department of Public Works, Guam Environmental Protection Agency,
15 Guam Department of Labor, Guam Land Use Commission, Bureau of
16 Statistics and Plans, Mine Safety and Health Administration and other local
17 and federal agencies.”

18 **Section 5.** The Department of Public Works shall promulgate and enforce
19 rules and regulations for the application and issuance of permits for clearing,
20 grading, grubbing, filling, excavating, embanking, stockpiling, mining and
21 quarrying consistent with 22 GAR Chapter 10 Guam Soil and Sediment Control
22 Regulations and in accordance with 5 GCA Chapter 9. No permit may be issued
23 without conformance to all requirements or conditions of the Application Review
24 Committee agencies.

25 **Section 6.** The Guam Environmental Protection Agency shall promulgate,
26 modify, update, repeal and enforce rules and regulations setting environmental

- 1 standards for clearing, grading, grubbing, filling, excavating, embanking,
- 2 stockpiling , mining and quarrying in accordance with 5 GCA Chapter 9.